

## **Exhibit C**

Nicole Harris v. City of Chicago, et al.  
Deposition of Robert M. Galatzer-Levy, M.D. - Taken 4/5/2016

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<p>IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION</p> <p>NICOLE HARRIS, ) Plaintiff, ) vs. ) No. 1:14 CV 04391 ) CITY OF CHICAGO, Chicago Police ) Officers ROBERT BARTIK, #3078; ) DEMOSTHENES BALODIMAS, #21204; ) ROBERT CORDARO, #20680; JOHN ) J. DAY, #20926; JAMES M. KELLY, ) #21121; MICHAEL LANDANDO, #20417; ) ANTHONY NORADIN, #21252; and ) RANDAL WO, #20232; Assistant Cook ) County State's Attorneys ANDREA ) GROGAN and LAWRENCE O'REILLY; and ) the COUNTY OF COOK, ) ) Defendants. )</p> <p>The subpoenaed deposition of ROBERT GALATZER-LEVY, M.D., called by the Defendants for examination, taken pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Monica Kim, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public, at 53 West Jackson Boulevard, Suite 330, Chicago, Illinois, commencing at 1:31 p.m. on April 5th, 2016.</p>	<p style="text-align: center;">I N D E X</p> <p>1 WITNESS PAGE 2 ROBERT GALATZER-LEVY, M.D. 3 Examination by Mr. Nathan ..... 4 4 5 6 7 8 E X H I B I T S 9 DEPOSITION EXHIBIT PAGE 10 No. 170 ..... 6 11 No. 171 ..... 8 12 No. 172 ..... 8 13 No. 173 ..... 11 14 No. 174 ..... 11 15 (Retained by Ms. Susler.) 16 17 18 19 20 21 22 23 24</p>
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<p>1 APPEARANCES: 2 PEOPLE'S LAW OFFICES MS. JANIS M. SUSLER 3 1180 North Milwaukee Avenue 3rd Floor 4 Chicago, Illinois 60642 Phone: 773.235.0070 5 E-mail: jsusler@gmail.com 6 On behalf of the Plaintiff; 7 GREENBERG TRAURIG, LLP MR. KYLE L. FLYNN 8 77 West Wacker Drive Suite 3100 9 Chicago, Illinois 60601 Phone: 312.456.8400 10 E-mail: flynnk@gtlaw.com 11 On behalf of the City of Chicago; 12 HALE LAW, LLC MR. SHNEUR Z. NATHAN 13 53 West Jackson Boulevard Suite 330 14 Chicago, Illinois 60604 Phone: 312.341.9646 15 E-mail: snathan@ahalelaw.com 16 On behalf of the Defendant Chicago Police Officers Robert Bartik, #3078; Demosthenes Balodimas, #21204; Robert Cordaro, #20680; John J. Day, #20926; James M. Kelly, #21121; Michael Landando, #20417; Anthony Noradin, #21252; and Randal Wo, #20232.</p> <p style="text-align: center;">* * * * *</p>	<p>1 (Galatzer-Levy Deposition Exhibit 2 Nos. 170 to 173 marked as 3 requested.) 4 (Witness sworn.) 5 MR. NATHAN: Good afternoon, Doctor. Can you 6 please just state your name for the record? 7 THE WITNESS: My name is Dr. Robert Galatzer-Levy; 8 Galatzer-Levy spelled G-A-L-A-T-Z-E-R, hyphen, L-E-V-Y. 9 MR. NATHAN: This is a deposition being taken in 10 connection with the case Nicole Harris versus the City 11 of Chicago et al. 12 WHEREUPON: 13 ROBERT GALATZER-LEVY, M.D., 14 called as a witness herein, having been first duly 15 sworn, was examined and testified as follows: 16 EXAMINATION 17 BY MR. NATHAN: 18 Q. And you've been identified as an expert 19 witness by the plaintiff. Do you have that same 20 understanding? 21 A. I do. 22 Q. Okay. What did you do to prepare for this 23 deposition? 24 A. In preparation for this deposition, I reviewed</p>

1 (Pages 1 to 4)

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<p>1        MS. SUSLER: Oh, okay.</p> <p>2        BY MR. NATHAN:</p> <p>3        <b>Q.</b> Next page, you say to Dianté, "No. Okay. Do</p> <p>4        you know who Miss Mitchell is?"</p> <p>5            He re- -- You can read the next few lines.</p> <p>6            But does that refresh your memory as to</p> <p>7        whether at the time you interviewed Dianté in April of</p> <p>8        2006 you understood that he was receiving some kind of</p> <p>9        mental health treatment?</p> <p>10        MS. SUSLER: No. Objection to form and</p> <p>11        Rule 26.</p> <p>12        BY THE WITNESS:</p> <p>13        <b>A.</b> I'm unable to answer your question because of</p> <p>14        the issue of privilege involved.</p> <p>15        <b>Q.</b> We're staring right now at a transcript that's</p> <p>16        been disclosed. It's talking about Ms. Mitchell.</p> <p>17        Did -- And you're asking Dianté about that, correct?</p> <p>18        <b>A.</b> That's correct.</p> <p>19        <b>Q.</b> And you're -- You rely on this transcript in</p> <p>20        order to develop your opinions in this case, correct?</p> <p>21        <b>A.</b> Correct.</p> <p>22        <b>Q.</b> And you're refusing to answer about whether</p> <p>23        that refreshes your memory as to whether Dianté was</p> <p>24        receiving mental health treatment at the time that you</p>	<p>1        <b>Q.</b> Was there any other reason why you scheduled a</p> <p>2        second interview with Dianté?</p> <p>3        <b>A.</b> No.</p> <p>4        <b>Q.</b> Can you please describe the nature of your</p> <p>5        current practice in the field of psychiatry?</p> <p>6        <b>A.</b> Yes.</p> <p>7        <b>Q.</b> And I would also add, can you please describe</p> <p>8        the nature of your current practice either in the field</p> <p>9        of psychology or any other field that you think is</p> <p>10        relevant to your opinions in this case?</p> <p>11        <b>A.</b> My current practice, which is almost entirely</p> <p>12        psychiatric, consists in seeing patients in -- ranging</p> <p>13        in age from two to late 80s in psychotherapy and general</p> <p>14        psychiatric practice including psychoanalysis and</p> <p>15        teaching psychiatrists and other mental health</p> <p>16        professionals in training both in psychiatry and</p> <p>17        psychoanalysis and related disciplines; in providing</p> <p>18        education to other individuals including attorneys and</p> <p>19        academics about psychoanalysis in consulting with</p> <p>20        colleagues who are -- seek me out for private</p> <p>21        consultation about their cases; in evaluating</p> <p>22        individuals in situations for the Courts such as current</p> <p>23        in this case; and providing consultations to family</p> <p>24        businesses and other businesses on psychological aspects</p>
<p style="text-align: center;">Page 34</p> <p>1        evaluated him?</p> <p>2        MS. SUSLER: Well, objection. You're assuming</p> <p>3        facts not in evidence and you're being argumentative.</p> <p>4        BY MR. NATHAN:</p> <p>5        <b>Q.</b> Are you refusing to answer that question?</p> <p>6        <b>A.</b> Yes.</p> <p>7        <b>Q.</b> When you looked over your file in preparation</p> <p>8        for this deposition, did you see any records of Dianté</p> <p>9        Dancy's mental health treatment?</p> <p>10        MS. SUSLER: Objection, I think asked and answered</p> <p>11        BY THE WITNESS:</p> <p>12        <b>A.</b> No.</p> <p>13        <b>Q.</b> Why did you choose to have two different</p> <p>14        interviews of Dianté?</p> <p>15        <b>A.</b> For several reasons. One was simply to</p> <p>16        provide myself with additional time to interview him;</p> <p>17        another was to avoid the situation where or perhaps the</p> <p>18        child was in some sort of state of distress or</p> <p>19        physically ill or whatever at the time of one of the</p> <p>20        interviews. I wanted to see him at two different times.</p> <p>21        And, finally, because I wanted to develop some sort of</p> <p>22        rapport with the child and felt that given the</p> <p>23        additional time he'd be more able to respond to my</p> <p>24        questions.</p>	<p style="text-align: center;">Page 36</p> <p>1        of operating businesses.</p> <p>2        <b>Q.</b> In this case, you weren't -- you're not</p> <p>3        evaluating the case for the court; you're evaluating</p> <p>4        case on behalf of Nicole Harris, correct?</p> <p>5        <b>A.</b> Yes. When I speak of in -- in the field of</p> <p>6        forensic psychology, we refer to all the work as for</p> <p>7        evaluating for the Court even though we're not employed</p> <p>8        by the Court, so for the purposes of presentation to the</p> <p>9        Court.</p> <p>10        <b>Q.</b> That's the term that you use?</p> <p>11        <b>A.</b> That's right.</p> <p>12        <b>Q.</b> In Exhibit 171, you're listed -- which is your</p> <p>13        list of testimony. Were each of these cases listed here</p> <p>14        situations where you were hired by one of the parties in</p> <p>15        a -- in a matter that was pending in front of a court?</p> <p>16        <b>A.</b> I'm not sure. I'd have to look.</p> <p>17        <b>Q.</b> Please do.</p> <p>18        <b>A.</b> In McDonald v. Linton, though I was paid by</p> <p>19        one of the parties, I was the Court's expert. The</p> <p>20        others -- All the others I was hired by one of the</p> <p>21        parties.</p> <p>22        <b>Q.</b> How did the Court in Birmingham, Alabama come</p> <p>23        to appoint you, or how did you -- Let me ask it in</p> <p>24        your -- in your words. You said that in the</p>

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<p>1 BY THE WITNESS:</p> <p>2       A. There are guidelines of various organizations 3 that address the proper way to conduct such interviews.</p> <p>4       Q. And which guidelines did you follow?</p> <p>5       A. I combined the guidelines of the American 6 Academy of Child and Adolescent Psychiatry and the 7 American Academy of Psychiatry and the law.</p> <p>8       MR. NATHAN: Do you mind reading that back?</p> <p>9                   (Record read as requested.)</p> <p>10 BY MR. NATHAN:</p> <p>11      Q. So did you follow the guide- -- the guidelines 12 of the American Academy of Child and Adolescent 13 Psychology?</p> <p>14      A. Psychiatry.</p> <p>15      Q. Psychiatry?</p> <p>16      A. I operated within the parameters that they set 17 forward. They -- they don't have a recipe for 18 conducting the interview.</p> <p>19      Q. And why did you operate within the ACAP [sic] 20 parameters?</p> <p>21      A. Both because I'm a member of that organization 22 and they are, in my opinion, solid parameters to follow.</p> <p>23      Q. Do you mind just pointing me to where in your 24 CV it shows that you're a member of the American Academy</p>	<p>1 custody evaluation that had been commonly employed in 2 the courts until around 1990s resulted in the Court 3 getting significant misinformation about the best 4 interests of children, and in particular, that many of 5 the evaluations failed to live up to minimal standards 6 of scientific adequacy. And as a result, several child 7 psychiatrists and psychologists and other mental health 8 professionals came to advocate for evaluations that had 9 greater scientific merit and both published extensively 10 about what was problematic in terms of the old custody 11 evaluations and also what might constitute adequate 12 custody evaluations.</p> <p>13                   And as we engaged in that process, the Courts 14 simultaneously influenced by the Daubert Decision, which 15 although it didn't technically apply to, for example, 16 courts in Illinois, came to expect a higher standard for 17 evaluations or all scientific, especially psychiatric 18 and mental health testimony. And I'm proud to say that 19 I think the book I coauthored was one of the influences 20 that led to the change that you're describing.</p> <p>21      Q. You're talking about the scientific basis for 22 child custody evaluations?</p> <p>23      A. Yes.</p> <p>24      Q. And you're saying that the first edition of</p>
<p>1 of Child and Adolescent Psychiatry?</p> <p>2       A. Sure.</p> <p>3       Q. Hold on. I think you have that. You have it.</p> <p>4       A. Okay. Let's see.</p> <p>5                   (Witness viewing document.)</p> <p>6       MS. SUSLER: I think it starts at page 29, 7 professional associations, unless it's somewhere else.</p> <p>8 BY THE WITNESS:</p> <p>9       A. I do not see it listed here.</p> <p>10      Q. Okay. But you're saying you are a member of 11 that organization?</p> <p>12      A. I am.</p> <p>13      Q. Would you agree with the statement that in the 14 last couple decades there was a C change in the child 15 custody evaluation process?</p> <p>16      A. Yes.</p> <p>17      Q. And why is that?</p> <p>18      A. Could you clarify the question? Are you 19 asking for the motivation for it, or are you asking for 20 what the change was?</p> <p>21      Q. Why do you have that opinion that there was a 22 C change?</p> <p>23      A. I have that opinion because a number of us 24 were very much of the opinion that the process of child</p>	<p>1 your book led to the change?</p> <p>2       A. Contributed. It was among the things that 3 contributed to that change.</p> <p>4       Q. When was that book first published?</p> <p>5       A. That book was first published in 2002, I 6 believe.</p> <p>7       Q. At what point did the process of child 8 evaluations -- child mental health evaluations in 9 connection with the courts change?</p> <p>10      A. It began to change in the '90s, and it has 11 continued to change to this day.</p> <p>12      Q. Okay. But you said that your book, which was 13 published in 2002, was important in contributing to that 14 change.</p> <p>15      A. Yes.</p> <p>16      Q. And you were proud of that?</p> <p>17      A. Yes.</p> <p>18      Q. Right. So when did your book actually 19 contribute to that change or when did you see the 20 effects from your book starting to contribute to that 21 change?</p> <p>22      A. When it began to be quoted in court decisions, 23 which was shortly after its publication.</p> <p>24      Q. Okay. Do you have any examples of that?</p>

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<p>1       <b>Q.</b> Which Ceci book?</p> <p>2       <b>A.</b> I believe Ceci -- Ceci, S. and Bruck, M, 1995,</p> <p>3       Jeopardy in the Courtroom: A Scientific Analysis of</p> <p>4       Children's Testimony.</p> <p>5       <b>Q.</b> And you're saying you're not sure if that's in</p> <p>6       there or it is in there?</p> <p>7       <b>A.</b> No. What I'm saying is I'm sure that's what's</p> <p>8       in there is an indication of the harm that's done by not</p> <p>9       adequately recording interviews with children.</p> <p>10      <b>Q.</b> Okay. I'm just confused as to where I went</p> <p>11     wrong the last time I asked you the question about</p> <p>12     whether this topic was included in anything in here --</p> <p>13     listed in 174.</p> <p>14      MS. SUSLER: Objection, form.</p> <p>15      BY MR. NATHAN:</p> <p>16      <b>Q.</b> Did I --</p> <p>17      <b>A.</b> Yeah.</p> <p>18      <b>Q.</b> Didn't I ask you that before?</p> <p>19      <b>A.</b> We'd have to go back to the record.</p> <p>20      MS. SUSLER: Object to form.</p> <p>21      BY THE WITNESS:</p> <p>22      <b>A.</b> I haven't memorized your examination of me.</p> <p>23      <b>Q.</b> Isn't it true that in 2000- -- as of 2007, it</p> <p>24     was still -- Strike that.</p>	<p>1       BY MR. NATHAN:</p> <p>2       <b>Q.</b> Are we on the same page?</p> <p>3       <b>A.</b> Yes.</p> <p>4       <b>Q.</b> On paragraph 28, you assert that</p> <p>5       Detective Wo's notes are "woefully deficient." See</p> <p>6       that?</p> <p>7       <b>A.</b> Yes.</p> <p>8       <b>Q.</b> What is that assertion based upon?</p> <p>9       <b>A.</b> That assertion is based on the content of the</p> <p>10      notes.</p> <p>11      <b>Q.</b> Were you present at that interview?</p> <p>12      <b>A.</b> No.</p> <p>13      <b>Q.</b> Okay. So what is it about the contents of the</p> <p>14      notes that indicate to you they're woefully deficient?</p> <p>15      <b>A.</b> They're woefully deficient in the following</p> <p>16      ways: The notes do not note the context of the</p> <p>17      interview, the information provided to the child, the --</p> <p>18      they failed to describe the questions asked of the</p> <p>19      child; they do not attempt to record verbatim what the</p> <p>20      child has said; their brevity in comparison to what I</p> <p>21      believe was the duration of the interview would indicate</p> <p>22      that they omit a great deal; and some of the notes</p> <p>23      themselves simply don't make sense. That is they're --</p> <p>24      Things like single words, which aren't in the form of a</p>
<p style="text-align: center;">Page 58</p> <p>1       Isn't it true that as of 2007, the most widely</p> <p>2       used method for documenting forensic child interviews</p> <p>3       was by note-taking?</p> <p>4       <b>A.</b> I don't know.</p> <p>5       <b>Q.</b> Isn't it true that in 2005, the most widely</p> <p>6       used method of recording child forensic interviews was</p> <p>7       note-taking?</p> <p>8       <b>A.</b> I don't know.</p> <p>9       <b>Q.</b> That is possible, though?</p> <p>10      MS. SUSLER: Objection, form.</p> <p>11      BY THE WITNESS:</p> <p>12      <b>A.</b> As I say, in many contexts, virtually anything</p> <p>13      is possible.</p> <p>14      <b>Q.</b> So turning to paragraph 24 of your 2016</p> <p>15      report, paragraph 28, you assert that Detective Wo's</p> <p>16      notes --</p> <p>17      MS. SUSLER: Why don't you let him get to it.</p> <p>18      Sorry to interrupt.</p> <p>19      Looks like it's on page 13.</p> <p>20      THE WITNESS: Uh-huh.</p> <p>21      MS. SUSLER: You're on Exhibit 170, right?</p> <p>22      MR. NATHAN: Yeah.</p> <p>23      MS. SUSLER: Okay.</p> <p>24</p>	<p style="text-align: center;">Page 60</p> <p>1       declarative sentence nor are they indications that those</p> <p>2       single words are spontaneous utterances of somebody.</p> <p>3       <b>Q.</b> When you interviewed Dianne, did he always</p> <p>4       make sense?</p> <p>5       <b>A.</b> No.</p> <p>6       <b>Q.</b> How long was the interview by Alexandra Levy</p> <p>7       at the Chicago Children's Advocacy Center?</p> <p>8       <b>A.</b> I don't remember as I sit here.</p> <p>9       <b>Q.</b> What is it about the context of the interview</p> <p>10      that you would want to see in those notes?</p> <p>11      <b>A.</b> I would want to see what the child was told</p> <p>12      about the nature of the interview, including who the</p> <p>13      interviewer was, for what purpose the interview was</p> <p>14      being used.</p> <p>15      <b>Q.</b> What was --</p> <p>16      <b>A.</b> Or an indication that that information was not</p> <p>17      provided to the child.</p> <p>18      <b>Q.</b> What was the information that you provided to</p> <p>19      Dianne about the nature of your interview with him or</p> <p>20      your interviews with him?</p> <p>21      <b>A.</b> Okay. I would -- I want to answer your</p> <p>22      question accurately, and I would have to refer back to</p> <p>23      my notes.</p> <p>24      <b>Q.</b> The transcript?</p>